

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MARCO E. TORRES, JR.,**

**Petitioner,**

**vs.**

**SCOTT FRAKES, Director, Nebraska  
Department of Correctional Services;**

**Respondent.**

**4:17CV3078**

**ORDER**

This matter comes before the Court on Petitioner's Motion for Oral Argument ([Filing No. 103](#)). Petitioner requests one hour of oral argument on the briefing and issues currently pending before the Court. See NECivR. 7.1(e). Respondent opposes the motion. ([Filing No. 106](#)). Due to the complexity of the issues in this case, the changing legal landscape of capital habeas cases in the last several years that this matter has been pending, and the seriousness of the issues, the Court will grant Petitioner's motion. Although Respondent is concerned of the "slippery slope for future cases" and that Petitioner will "improperly argue information not this Court that is outside the current record," the Court finds the benefit of additional arguments outweighs these hypothetical concerns. Counsel will be limited to the briefing and record currently before the Court, except as necessary to address Petitioner's Motion for Discovery ([Filing No. 70](#)). Accordingly,

**IT IS ORDERED:**

1. Petitioner's Motion for Oral Argument ([Filing No. 103](#)) is granted.
2. Oral argument in this matter is set for **February 8, 2024, at 9:30 a.m. by telephone before Magistrate Judge Michael D. Nelson**. Petitioner and Respondent will each be allotted a total of thirty minutes for arguments. Arguments will be recorded using a portable digital recorder, and the audio file shall be uploaded to the docket as part of the record.
3. The Court entered a separate Order containing Conference Instructions for the hearing.

Dated this 4<sup>th</sup> day of January, 2024.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge